

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Rules and Regulations Implementing the)	WC Docket No. 11-39
Truth in Caller ID Act of 2009)	
)	

**REPLY COMMENTS
of the
NATIONAL EXCHANGE CARRIER ASSOCIATION, INC.;
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION;
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES;
WESTERN TELECOMMUNICATIONS ALLIANCE; and
EASTERN RURAL TELECOM ASSOCIATION**

I. INTRODUCTION AND SUMMARY

The National Exchange Carrier Association (NECA), National Telecommunications Cooperative Association (NTCA), Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), the Western Telecommunications Alliance (WTA) and the Eastern Rural Telecom Association (ERTA) (collectively, the “Associations”)¹

¹ NECA is responsible for preparation of interstate access tariffs and administration of related revenue pools, and collection of certain high-cost loop data. *See generally*, 47 C.F.R. §§ 69.600 *et seq.*; *MTS and WATS Market Structure*, CC Docket No.78-72, Phase I, Third Report and Order, 93 FCC 2d 241 (1983). The NTCA is a national trade association representing more than 580 rural rate-of-return regulated telecommunications providers. The OPASTCO is a national trade association representing approximately 470 small incumbent local exchange carriers (ILECs) serving rural areas of the United States. WTA is a trade association that represents over 250 small rural telecommunications companies operating in the 24 states west of the Mississippi River. ERTA is a trade association representing approximately 68 rural telephone companies operating in states east of the Mississippi River.

submit these reply comments responding to comments filed on proposed rules² implementing provisions of the Truth in Caller ID Act of 2009 (the “Act”).³ While the Commission specifically seeks comment on rules regarding caller ID “spoofing,” commenters, including the Associations, recognized and commented on *both* the importance of addressing this issue as a stand-alone matter *and as* the link between the provision of caller ID information and the issue known as “Phantom Traffic.”⁴ The Commission should take advantage of the opportunity afforded in both proceedings, which have sufficient technical overlap, to simultaneously adopt rules addressing Caller ID and Phantom Traffic.

II. THE COMMISSION SHOULD MAKE CLEAR THAT THE RULES IT ADOPTS IN THIS PROCEEDING ARE APPLICABLE TO ANY ENTITY THAT MANIPULATES DATA FOR THE PURPOSE OF ENGAGING IN SPOOFING BEHAVIOR

The Associations agree with those parties suggesting that the manipulation of data should be subject to the anti-spoofing regulations.⁵ As AT&T argues, Congress intended the anti-spoofing regulations to apply to the fraudulent manipulation of ANI information.⁶ Indeed, spoofing behavior in which carriers manipulate ANI or Charge Number to avoid or reduce their access charge payments violates the proposed Caller ID regulation. By making clear that the rules it adopts in this proceeding are applicable to the manipulation of ANI or Charge Number

² *Rules and Regulations Implementing the Truth in Caller ID Act of 2009*, WC Docket No. 11-39, Notice of Proposed Rulemaking, FCC 11-41 (rel. Mar. 9, 2011) (NPRM).

³ Pub. L. No. 111-331, codified at 47 U.S.C. § 227(e).

⁴ *See*, Comments of the Alliance for Telecommunications Industry Solution (ATIS) at 3-4, AT&T at 6, and US Telecom at 1, WC Docket 11-39 (all filed April 18, 2011).

⁵ The Associations also agree that parties engaging in this behavior should also be subject to any rules or regulations adopted in the ICC proceeding. AT&T at 6, US Telecom at 2 (both filed April 18, 2011) (both urging FCC to adopt concurrent regulations addressing Caller ID and phantom traffic).

⁶ AT&T Comments at 6, April 18, 2011.

data, as well as the CPN and adopting the Rural Associations phantom traffic proposals in a concurrent proceeding,⁷ the Commission can address both harmful spoofing practices that affect consumers *and* put an end to much of the arbitrage that has long plagued the existing ICC regime.

III. THE COMMISSION SHOULD REQUIRE ALL CARRIERS TO INCLUDE THE SS7 JURISDICTION INFORMATION PARAMETER TO PROVIDE INFORMATION ABOUT THE LOCATION OF A CALLING PARTY

In addition, the Associations reiterate their approval of the proposal to require that carriers and providers of IP-enabled services populate the SS7 Jurisdiction Information Parameter (JIP) in signaling data.⁸ The JIP is useful – particularly in the case of mobile callers and ported numbers – in identifying both the originating carrier and calling party location.⁹ In addition, these parameters are industry standard and already being exchanged between carriers in many instances.¹⁰

Parties have opposed including a requirement for populating the JIP parameter. AT&T, for example, stated that although the JIP may be appropriate in some situations “it would impose

⁷ Comments of NECA, NTCA, OPASTCO, WTA, ERTA, The Rural Alliance, and The Rural Broadband Alliance, WC Docket No. 10-90, 24-26, (filed Apr.1, 2011) (*Rural Associations’ Section XV Comments*).

⁸ NPRM ¶ 19. *See also* Rural Associations’ Comments at 9, April 18, 2011. Use of JIP also has law enforcement and public safety benefits and, for example, can be used for improved routing of emergency calls to the appropriate poison control center. *See, e.g.*, Comments of Hypercube, WC Docket No. 10-90, note 37 (filed Apr. 1, 2011).

⁹ NPRM ¶ 19.

¹⁰ LSSGR: Switching System Generic Requirements for Interexchange Carrier Interconnection Using the Integrated Services Digital Network User Part, GR-394-CORE, Telcordia Technologies, Issue 8, Nov. 2007, § 3.5.4.5 (An originating switch or access tandem may include the JIP in the Initial Address Message as a LEC option.); Local Number Portability (LNP) Capability Specification: Service Provider Portability, GR-2936-CORE, Telcordia, Issue 3, November 1997, § 6.1.1 (“The JIP shall contain the first six digits of the Location Routing Number of the switch serving the calling party.”) (*Telcordia LNP Specification*).

enormous burdens on the industry . . . requiring substantial upgrades to IXC and wireless providers' systems."¹¹ The Rural Associations do not dispute that substantial upgrades may be required in a limited number of situations especially since the JIP parameter is required for local number portability.¹² Therefore, as the Rural Associations have previously suggested,¹³ the Commission rule should define with specificity the very limited exceptions where alterations in signaling information is allowed.

In another proceeding, parties suggested the absence of clear standards for populating JIP fields¹⁴ would render such a requirement ineffective. Other carriers argued JIP data does not provide accurate jurisdictional information in the case of mobile calls.¹⁵ The JIP, however is an industry standard parameter currently in use by many carriers, including, for example, VoIP providers. As HyperCube noted, "there is now a recommended practice for providing the JIP in Session Initiation Protocol ("SIP") INVITE messages, and that third-party providers, including intermediate carriers, can populate the JIP even when the information is missing from records they receive."¹⁶ As for jurisdictional accuracy, the Rural Associations recognize that no system is perfect, but on balance it appears requiring population of the JIP would provide valuable assistance in verifying calling party location information, specifically for the Caller Identification

¹¹ AT&T at 18-19, WC Docket No. 10-90, filed April 18, 2011.

¹² Telcordia LNP Specification, § 6.1.1, R6-1 ("In an LNP environment, the originating switch shall include the JIP on all calls.").

¹³ Rural Associations Section XV Comments at 22-23.

¹⁴ Coalition for Rational Universal Service and Intercarrier Reform on Section XV at 6, ICC filed April 1, 2011 (lack of VoIP standardization for JIP); ATIS at 5, Caller ID filed April 18, 2011 (confusion over whether JIP is included).

¹⁵ T-Mobile at 13, Docket No. 10-90 (filed April 1, 2011); *See also* ATIS at 5 (filed April 18, 2011).

¹⁶ Hypercube at 9, WC Docket No. 10-90 (filed April 18, 2011) (*Citing* RFC 5503, "Private Session Initiation Protocol (SIP) Proxy-to-Proxy Extensions," March 2009).

Information, Caller Identification Service, and Information Regarding the Origination definitions. In sum, the benefits of requiring population of the JIP outweigh burdens associated with problems, if any, encountered in requiring that this information be passed between service providers. The Commission should accordingly require all providers to populate the JIP field subject to limited, narrowly tailored exceptions for technical infeasibility. A requirement to send the JIP should thus be included in both the Caller ID rules as well as the call signaling rules to address Phantom Traffic.

IV. THE COMMISSION SHOULD ADOPT THE DEPARTMENT OF JUSTICE'S DEFINITION OF IP-ENABLED SERVICES

The Commission should also finalize a definition for "IP-Enabled Voice Service." Most commenters agreed¹⁷ the Commission should use the more inclusive Department of Justice definition of IP-enabled voice service¹⁸ as opposed to the Commission's definition of interconnected VoIP service,¹⁹ which only a few commenters supported.²⁰ AT&T, while supporting the Commission's definition, also recommended revising it to include non-interconnected VoIP services.²¹ In addition, AT&T suggested changing "interconnected VoIP service" to "IP-enabled VoIP service" in the definitions for "Caller Identification Information" and "Caller Identification Service" to align with the Caller ID rule terminology and eliminate

¹⁷ ATIS at 1, NENA at 2, Rural Associations at 4, Department of Justice at 15 (all filed April 18, 2011) (all supporting DOJ's broader definition).

¹⁸ 18 U.S.C. § 1039(h)(4).

¹⁹ 47 C.F.R. § 9.3.

²⁰ US Telecom at 2, VON Coalition at 5 (all filed April 18, 2011).

²¹ AT&T at 4, April 18, 2011. If 47 C.F.R. § 9.3 were revised to include non-interconnected VoIP, then the difference between the Commission's revised definition and the DOJ's definition is the DOJ's definition would not require the user to have a broadband connection. NPRM ¶ 15.

confusion among the various Caller ID definitions.²² The Associations, as do the majority of commenters in this proceeding, support the broader Department of Justice definition as it will ensure caller ID requirements would apply to all voice services. The Associations also support changing the terminology from “interconnected VoIP service” to “IP-Enabled Voice Service” in the “Caller Identification Information” and “Caller Identification Service” definitions where “IP-Enabled Voice Service” is defined using the Department of Justice’s proposed definition.

V. CONCLUSION

The Commission should ensure that the rules it adopts in this proceeding are consistent with changes it adopts to address phantom traffic. Specifically, it should make clear that the anti-spoofing rules it adopts apply to any entity that manipulates ANI or Charge Number data for the purpose of avoiding or reducing their intercarrier compensation payment obligations. The Commission should also require all carriers to include the SS7 JIP to provide information about the location of a calling party.

May 4, 2011

Respectfully submitted,

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²² AT&T at 4.

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CERTIFICATE OF SERVICE

I, Adrienne L. Rolls, certify that a copy of the reply comments of NECA, NTCA, OPASTCO, WTA, and ERTA in WC Docket No. 11-39, FCC 11-41, was served on this 4th day of May 2011 by first-class, United States mail, postage prepaid, or via electronic mail to the following persons:

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